

MONDAY, JANUARY 31, 1994
FIFTY-SEVENTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Steve Jagers, Livingston Church of Christ, Livingston, Tennessee.

Representative Windle led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 99

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to Rule No. 17, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Joint Resolution No. 0404 -- General Assembly, Statement of Intent or Position -- Urges Tennesseans to participate in voluntary one year moratorium on breeding of cats and dogs. by *Stamps.

Agriculture Committee.

RESOLUTIONS

Pursuant to Rule No. 17, the following resolution(s) was/were introduced and placed on the Consent Calendar for Wednesday, February 2, 1994:

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House Joint Resolution No. 0406 -- Memorials, Public Service -- Lenoir City Disaster Relief Fund. by *Gunnels.

***House Joint Resolution No. 0407 -- Memorials, Congress -- Urges** location of proposed National Wind Tunnel Complex at Arnold Engineering Development Complex in Middle Tennessee. by *Lewis.

House Joint Resolution No. 0408 -- Memorials, Public Service -- Enoch B. Simerly, Blount County Circuit Court Clerk. by *Anderson, *Owenby, *Huskey.

House Joint Resolution No. 0410 -- Memorials, Heroism -- Gail Nix. by *Jones R, *Byrd, *Turner L, *Napier, *Chumney, *Brooks, *Dixon, *DeBerry.

House Joint Resolution No. 0411 -- Memorials, Professional Achievement -- Douglas Corner Cleaners & Wardrobe Service, "Diamond Drycleaner Award". by *DeBerry, *Love, *Pruitt.

House Joint Resolution No. 0414 -- Memorials, Professional Achievement -- Colemill Enterprises and Bill Colbert, 50th anniversary. by *Purcell.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for Wednesday, February 2, 1994:

Senate Joint Resolution No. 0275 -- Memorials, Sports -- Lebanon High School football team.

Senate Joint Resolution No. 0288 -- Memorials, Professional Achievement -- Tom Gunnels.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 2292 -- Solid Waste Disposal -- Authorizes waste control board to refuse to issue solid waste disposal permit if board determines applicant has poor record of performance. Amends TCA, Title 68, Ch. 211. by *Westmoreland.

House Bill No. 2293 -- Hospitals and Health Care Facilities -- Authorizes hospital to employ physician pursuant to written contract so long as employment relationship does not affect physician's independent judgment; clarifies employment is not unlawful division of fees. Amends TCA, Title 63, Ch. 6; Title 68, Ch. 11. by *Walley.

House Bill No. 2294 -- Legislative Administration, Office of --

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Directs comptroller of the treasury to assist the office of legislative administration as directed by either speaker. Amends TCA, Title 3. by *Purcell, *Naifeh.

House Bill No. 2295 -- Public Records -- Permits CD ROM disks to be used for maintaining governmental records, provided certain standards are met. Amends TCA, Title 10, Ch. 7, Pt. 1. by *Coffey.

House Bill No. 2296 -- Traffic Safety -- Requires person whose ability to operate motor vehicle is significantly impaired because of loss of vision to notify department of safety and submit to eyesight examination. Amends TCA, Title 55, Ch. 50. by *Coffey, *Cross.

House Bill No. 2297 -- Driver Licenses -- Requires board of equalization and department of revenue to assist department of safety in identifying blind Tennesseans who may still possess valid driver license; requires such persons to submit to driver examinations. Amends TCA, Titles 55, 67. by *Coffey, *Cross.

House Bill No. 2298 -- Driver Licenses -- Requires person renewing driver license to show proof vision was tested in past five years and pertinent vision deficiencies corrected. Amends TCA, Title 55, Ch. 50, Pt. 3. by *Severance.

House Bill No. 2299 -- Osteopathy -- Revises scope of practice of osteopathic medicine to conform with definition recognized by American Osteopathic Medical Association; conforms language in TCA to eliminate references to osteopath to currently recognized usage. Amends TCA, Titles 33, 34, 37, 63, 63-9-106. by *Knight.

House Bill No. 2300 -- Custody and Support -- Sets out guidelines for visitation; establishes factors to be considered in determining best interest of child. Amends TCA, Title 36, Ch. 6, Pt. 1. by *Odom.

House Bill No. 2301 -- Municipal Government -- Authorizes municipalities to require property owner to connect to municipal water service. Amends TCA, Title 68, Ch. 221. by *Odom.

House Bill No. 2302 -- Apportionment, Legislative -- Transfers City of Berry Hill from 19th to 21st Senatorial District; transfers portion of Sevier Park Community Center precinct from 21st to 19th Senatorial District. Amends TCA 3-1-102. by *Pruitt.

House Bill No. 2303 -- Driver Licenses -- Provides that a restricted commercial driver license may be issued to a person under a driver license suspension or revocation if the underlying offense was not committed in commercial motor vehicle. Amends TCA, Title 55, Ch. 50. by *West.

House Bill No. 2304 -- Civil Procedure -- Revises procedures for service of process. Amends TCA, Title 16, Ch. 15. by *West.

House Bill No. 2305 -- Attorneys at Law -- Prohibits attorneys

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from contacting injured persons within 30 days of date of injury for purpose of solicitation. Amends TCA, Title 23, Ch. 3, Pt. 1. by *Herron.

***House Bill No. 2306 -- Business and Commerce --** Provides contractual right concerning timing of certain payments when contract calls for one party to reimburse another party for federal manufacturer's excise tax levied under Internal Revenue Code. Amends TCA, Title 47, Ch. 50, Pt. 1. by *Head.

House Bill No. 2307 -- Motor Vehicles -- Transfers enforcement and inspection programs of motor vehicles from public service commission to department of safety officers. Amends TCA, Title 4, Ch. 3, Pt. 20; Title 65, Ch. 15. by *Head.

House Bill No. 2308 -- Zoning -- Prohibits issuing building permits in Montgomery County for lot which fronts on permanent easement with access to public street or highway; requires each lot to have direct access to public street or highway. Amends TCA 13-3-411, 308. by *Head, *Knight.

House Bill No. 2309 -- Guardianship -- Removes \$10,000 threshold as requirement for appointment of fiduciary for distribution of funds to minor or disabled person. Amends TCA, Title 34, Ch. 11. by *Turner B.

***House Bill No. 2310 -- Teachers --** Establishes minimum salary for certificated personnel at 90 percent of state average, subject to funding. Amends TCA, Title 49, Chs. 2, 3, 5. by *Moore, *Collier, *Jackson, *Pinion.

House Bill No. 2311 -- Criminal Offenses -- Increases penalty for contempt of court from ten days to six months. Amends TCA 29-9-103. by *Moore, *Lewis.

House Bill No. 2312 -- Firefighters -- Establishes state fire academy. Amends TCA, Title 68, Ch. 102. Repeals TCA 49-8-701. by *Moore.

***House Bill No. 2313 -- Local Government, General --** Redefines "urban type public facilities," "public works" and "public works project"; allows local governments to acquire, maintain and operate communication and community television systems and to issue general obligation and revenue bonds to do so. Amends TCA 5-16-101, 7-34-102, 9-21-105. by *Moore.

***House Bill No. 2314 -- Juvenile Offenders --** Establishes curfew for minors between 12:00 midnight and 6:00 a.m.; allows counties to opt-in. Amends TCA, Title 37, Ch. 10. by *Moore.

House Bill No. 2315 -- Tourism -- Increases from \$25,000 to \$35,000 limit on amount of funds contributed by local persons for development of local tourism that state will match. Amends TCA 4-3-2207. by *Moore.

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***House Bill No. 2316** -- Sentencing -- Provides that first release eligibility date of defendants sentenced on or after July 1, 1994, is not reduced by sentence credits. Amends TCA, Titles 40, 41. by *McAfee, *Meyer, *Wood.

House Bill No. 2317 -- Insurance, Credit Life -- Permits issuance of more than one policy or group certificate for credit disability insurance on loans with more than one borrower. Amends TCA 45-5-305. by *Rhinehart.

House Bill No. 2318 -- Insurance Companies, Agents, Brokers -- Permits sale of involuntary unemployment credit insurance by holder of limited insurance representative license without examination. Amends TCA 56-6-138. by *Rhinehart.

House Bill No. 2319 -- Taxes, Tobacco, Tobacco Products -- Distinguishes state franchise and excise taxes from federal taxes on tobacco. Amends TCA, Title 67. by *Rhinehart.

House Bill No. 2320 -- Banks and Financial Institutions -- Revises remedies for financial institutions for nonpayment of rent of safety deposit boxes. Amends TCA, Title 45, Ch. 2, Pt. 9; Title 66, Ch. 29. by *Mires, *Pinion, *Byrd, *West, *Anderson, *Rhinehart.

House Bill No. 2321 -- Marriage -- Allows former and present general sessions judges to solemnize marriage. Amends TCA, Title 36, Ch. 3. by *Garrett.

House Bill No. 2322 -- Juries and Jurors -- Permits board of jury commissioners in county having metropolitan government to employ person other than circuit court clerk to serve as clerk of board; makes selection subject to approval of state trial judges in such county. Amends TCA 22-2-204. by *Garrett.

House Bill No. 2323 -- Tennessee Higher Education Commission -- Restructures ex-officio nonvoting membership of commission. Amends TCA, Title 49, Ch. 7. by *Davidson.

House Bill No. 2324 -- Alcoholic Beverages -- Prohibits certain promotional practices involving sale of alcoholic beverages. Amends TCA, Title 57, Chs. 4, 5. by *Stamps.

House Bill No. 2325 -- Insurance, Health, Accident -- Prohibits insurance plans from requiring participating health care providers to be participants in TennCare or Tennessee Medicaid program. Amends TCA, Title 56, Ch. 7. by *Arriola.

***House Bill No. 2326** -- Motor Vehicles -- Enacts "Mandatory Insurance Act of 1994". Amends TCA, Titles 55, 56. by *Arriola.

House Bill No. 2327 -- Welfare -- Enacts "Personal Responsibility and Employment Demonstration Program Act" for AFDC recipients. Amends TCA, Title 71, Ch. 3. by *Ramsey.

House Bill No. 2328 -- Sexual Offenses -- Treats as confidential

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reports of rape and other sexual offenses and investigative records of law enforcement agency concerning such reports, unless warrant, subpoena or order of court of record is issued. Amends TCA 10-7-504. by *Haltzman Harwell.

House Bill No. 2329 -- Criminal Procedure -- Authorizes verdict of "guilty but mentally ill" in criminal cases where defendant asserts defense of insanity. Amends TCA, Title 40, Chs. 18, 35. by *Venable, *Walley.

House Bill No. 2330 -- Sentencing -- Makes defendant employing firearm during commission of felony ineligible for probation and release under safety valve; requires such defendant to serve 100 percent of sentence imposed undiminished by sentence credits. Amends TCA, Title 40, Ch. 35; Title 41, Ch. 1, Pt. 5. by *Venable.

House Bill No. 2331 -- Zoning -- Authorizes controversies involving amendments to zoning ordinance or rezoning of property from residential to commercial to be submitted to binding arbitration. Amends TCA, Title 13, Ch. 7, Pts. 1, 2. by *Venable.

House Bill No. 2332 -- Election Laws -- Provides transition in election of assessors of property for six year term in 1996, so thereafter elections coincide with other constitutional county officers. Amends TCA 67-1-502. by *Venable.

House Bill No. 2333 -- Guardianship -- Grandfathers conservators of estates of less than \$10,000 appointed prior to January 1, 1988, from being penalized if final accounting has not been made but made within six months of effective date of act; penalties accrue with interest if final accounting not made as specified. Amends TCA, Title 34, Chs. 11--13. by *Venable.

House Bill No. 2334 -- Highways, Roads and Bridges -- Requires calculations of local maintenance of effort on highway expenditures by local governments to be done on a basis of mileage in service. Amends TCA, Title 54; Title 67, Ch. 3. by *Venable, *Westmoreland, *Ramsey.

House Bill No. 2335 -- Sentencing -- Makes persons who kidnap children less than 13 ineligible for probation or parole. Amends TCA, Title 40, Ch. 35; Title 41, Ch. 1, Pt. 5. by *Venable, *Turner B, *Cole Ralph.

***House Bill No. 2336 -- Environmental Preservation --** Exempts watershed districts from environmental fees promulgated by the department of environment and conservation. by *Crain.

***House Bill No. 2337 -- Motor Vehicles, Titling and Registration --** Permits issuance of native American Indian cultural license plates. Amends TCA, Title 55, Ch. 4, Pt. 3. by *Crain.

***House Bill No. 2338 -- Children --** Enacts "Early Childhood Development Act of 1994". Amends TCA, Titles 4, 37, 49, 71. by *Purcell, *DeBerry, *Armstrong, *Bragg, *Chumney, *Williams K.

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House Bill No. 2339 -- Courts, Juvenile -- Provides that once juvenile is transferred to criminal court for trial as adult, juvenile court loses jurisdiction over juvenile as to all pending or subsequent delinquent acts or criminal charges against juvenile. Amends TCA 37-1-134. by *Purcell, *DeBerry.

House Bill No. 2340 -- Courts, Juvenile -- Removes ten day notice requirement and opportunity for hearing before juvenile court can require parent or guardian to participate in appropriate counseling or treatment program. Amends TCA 37-1-103. by *Purcell, *DeBerry.

House Bill No. 2341 -- Juvenile Offenders -- Authorizes photographs of juveniles under investigation of delinquent acts. Amends TCA 37-1-155. by *Purcell, *Armstrong, *DeBerry.

House Bill No. 2342 -- Courts, Juvenile -- Removes appeals to circuit court from juvenile court in cases of termination of parental rights; removes criminal court acceptance hearing when juvenile court transfers juvenile to criminal court for trial as adult. Amends TCA 37-1-159. by *Purcell, *DeBerry.

House Bill No. 2343 -- Juvenile Offenders -- Prohibits placement of juvenile correction facility adjacent to adult facilities after January 1, 1994. Amends TCA 37-1-116. by *Purcell, *DeBerry.

House Bill No. 2344 -- Women -- Establishes "Tennessee Commemorative Woman's Suffrage Commission". Amends TCA, Title 4. by *Chumney, *DeBerry, *Brown, *Brooks, *Knight, *Williams K, *Owenby, *Halteman Harwell, *Pruitt, *Turner B, *Peroulas Draper.

House Bill No. 2345 -- Divorce and Annulment -- Redefines "marital property" to clarify that can include value of non-vested pension, retirement or other fringe benefit rights accrued during period of marriage. Amends TCA, Title 36, Ch. 4. by *Chumney, *DeBerry, *Brown, *Duer, *Hassell, *Williams K, *Brooks, *Knight, *Pruitt, *Turner B, *Peroulas Draper.

House Bill No. 2346 -- Employees, Employers -- Requires equal pay for equal work. Amends TCA, Title 50. by *Chumney, *DeBerry, *Brown, *Duer, *Hassell, *Peroulas Draper, *Brooks, *Knight, *Owenby, *Halteman Harwell, *Pruitt, *Williams K.

House Bill No. 2347 -- Divorce and Annulment -- Allows divorce petitions to list a mailing address rather than a residence address. Amends TCA 36-4-106. by *Chumney, *DeBerry, *Brown, *Duer, *Hassell, *Peroulas Draper, *Brooks, *Knight, *Owenby, *Halteman Harwell, *Turner B, *Williams K.

***House Bill No. 2348 -- Handicapped Persons --** Changes name of advisory council for education of handicapped to "advisory council for education of students with disabilities"; changes references from "handicapped students" to "students with disabilities". Amends TCA, Title 49, Ch. 10. by *Turner B.

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House Bill No. 2349 -- Insurance Companies, Agents, Brokers -- Allows incorporated underwriters to join in groups of underwriters for the purpose of assuming reinsurance of ceding insurers who may receive credit for reinsurance. Amends TCA 56-2-208. by *Phillips.

***House Bill No. 2350** -- Alcoholic Offenses -- Redefines offense of flying under influence of an intoxicant; establishes implied consent for blood alcohol testing of persons acting as crewmen of airplanes; establishes penalty for refusing to take such test. Amends TCA, Title 42, Ch. 1, Pt. 2. by *Johnson.

House Bill No. 2351 -- Taxes, Corporations -- Exempts from tax those services rendered between parent corporations and wholly owned subsidiaries. Amends TCA, Title 67, Ch. 6, Pt. 3. by *Kisber, *Rinks, *Ridgeway, *Hargrove, *Rhinehart, *Whitson, *Anderson, *Head.

House Bill No. 2352 -- Taxes -- Exempts from taxation transfer by dealers of motor vehicles used by common carriers. Amends TCA 67-6-331. by *Kisber, *Rinks, *Ridgeway, *Hargrove, *Rhinehart, *Whitson, *Anderson, *Head.

House Bill No. 2353 -- Hospitals and Health Care Facilities -- Revises law concerning claims data and hospital statistics. Amends TCA, Title 68. by *Dixon.

House Bill No. 2354 -- Physicians and Surgeons -- Permits employment relationship between hospital and physician in restricted circumstances. Amends TCA 63-6-204, 225; Title 68, Ch. 11. by *Purcell.

House Bill No. 2355 -- Hospitals and Health Care Facilities -- Allows hospitals to employ physicians and surgeons. Amends TCA, Title 63, Ch. 6; Title 68, Ch. 11. by *Purcell.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 2189 -- Taxes, Real Property -- Judiciary Committee.

House Bill No. 2190 -- Sunset Laws -- Government Operations Committee.

House Bill No. 2191 -- Sunset Laws -- Government Operations Committee.

House Bill No. 2192 -- Sunset Laws -- Government Operations Committee.

House Bill No. 2193 -- Sunset Laws -- Government Operations Committee.

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House Bill No. 2194 -- Sunset Laws -- Government Operations Committee.

House Bill No. 2195 -- Sunset Laws -- Government Operations Committee.

House Bill No. 2196 -- Sunset Laws -- Government Operations Committee.

House Bill No. 2197 -- Sunset Laws -- Government Operations Committee.

***House Bill No. 2198 -- Pardons and Paroles -- Judiciary Committee.**

House Bill No. 2199 -- Highways, Roads and Bridges -- State and Local Government Committee.

House Bill No. 2200 -- Local Government, General -- Finance, Ways and Means Committee.

House Bill No. 2201 -- Race Relations -- State and Local Government Committee.

House Bill No. 2202 -- Local Education Agency -- Education Committee.

House Bill No. 2203 -- Workers' Compensation -- Consumer and Employee Affairs Committee.

House Bill No. 2204 -- Civil Procedure -- Judiciary Committee.

House Bill No. 2205 -- Local Government, General -- Judiciary Committee.

House Bill No. 2206 -- Malpractice, Professional -- Judiciary Committee.

House Bill No. 2207 -- Insurance, Health, Accident -- Commerce Committee.

House Bill No. 2208 -- Pensions and Retirement Benefits -- State and Local Government Committee.

House Bill No. 2209 -- Bledsoe County -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 2210 -- Pensions and Retirement Benefits -- State and Local Government Committee.

House Bill No. 2211 -- Sunset Laws -- Government Operations Committee.

House Bill No. 2212 -- Sunset Laws -- Government Operations Committee.

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***House Bill No. 2213 -- Consumer Protection -- Commerce Committee.**

House Bill No. 2214 -- Corporations, Not for Profit -- Commerce Committee.

House Bill No. 2215 -- Hospitals and Health Care Facilities -- Health and Human Resources Committee.

House Bill No. 2216 -- Hospitals and Health Care Facilities -- Health and Human Resources Committee.

House Bill No. 2217 -- Hospitals and Health Care Facilities -- Health and Human Resources Committee.

House Bill No. 2218 -- Medicare and Medicaid -- Commerce Committee.

House Bill No. 2219 -- Medicare and Medicaid -- Commerce Committee.

House Bill No. 2220 -- Hospitals and Health Care Facilities -- Health and Human Resources Committee.

House Bill No. 2221 -- Hospitals and Health Care Facilities -- Health and Human Resources Committee.

House Bill No. 2222 -- Professions and Occupations -- Commerce Committee.

House Bill No. 2223 -- Uniform Commercial Code -- Judiciary Committee.

House Bill No. 2224 -- Election Laws -- State and Local Government Committee.

House Bill No. 2225 -- Taxes, Privilege -- Finance, Ways and Means Committee.

House Bill No. 2226 -- District Attorneys -- Judiciary Committee.

House Bill No. 2227 -- Witnesses -- Judiciary Committee.

House Bill No. 2228 -- Courts -- Judiciary Committee.

House Bill No. 2229 -- Motor Vehicles -- Judiciary Committee.

House Bill No. 2230 -- Davidson County -- Judiciary Committee.

House Bill No. 2231 -- Education -- Judiciary Committee.

House Bill No. 2232 -- Zoning -- State and Local Government Committee.

House Bill No. 2233 -- Conservation -- Conservation and Environment Committee.

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House Bill No. 2234 -- Waterways, Navigable -- Conservation and Environment Committee.

House Bill No. 2235 -- Sewage -- State and Local Government Committee.

House Bill No. 2236 -- Taxes, Real Property -- State and Local Government Committee.

House Bill No. 2237 -- Hospitals and Health Care Facilities -- Health and Human Resources Committee.

House Bill No. 2238 -- County Officers -- State and Local Government Committee.

House Bill No. 2239 -- Taxes, Motor Vehicle -- Finance, Ways and Means Committee.

House Bill No. 2240 -- Handicapped Persons -- State and Local Government Committee.

House Bill No. 2241 -- Taxes, Sales -- Finance, Ways and Means Committee.

House Bill No. 2242 -- Civil Procedure -- Judiciary Committee.

House Bill No. 2243 -- Franklin County -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 2244 -- Taxes, Excise -- Finance, Ways and Means Committee.

House Bill No. 2245 -- Taxes, Franchise -- Finance, Ways and Means Committee.

House Bill No. 2246 -- District Attorneys -- Judiciary Committee.

House Bill No. 2247 -- Firearms and Ammunition -- Judiciary Committee.

House Bill No. 2248 -- Anatomical Gifts -- Health and Human Resources Committee.

House Bill No. 2249 -- Cosmetology -- Health and Human Resources Committee.

House Bill No. 2250 -- Charitable Solicitations -- Commerce Committee.

House Bill No. 2251 -- Real Estate Agents and Brokers -- Commerce Committee.

House Bill No. 2252 -- Taxes, Income -- Finance, Ways and Means Committee.

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***House Bill No. 2253 -- Taxes, Real Property -- Finance, Ways and Means Committee.**

House Bill No. 2254 -- Taxes, Gasoline, Petroleum Products -- Finance, Ways and Means Committee.

House Bill No. 2255 -- Children -- Judiciary Committee.

House Bill No. 2256 -- Solid Waste Disposal -- State and Local Government Committee.

House Bill No. 2257 -- Recycling -- Commerce Committee.

House Bill No. 2258 -- Taxes, Franchise -- Finance, Ways and Means Committee.

House Bill No. 2259 -- Guardianship -- Judiciary Committee.

House Bill No. 2260 -- Sports -- Finance, Ways and Means Committee.

House Bill No. 2261 -- Taxes, Gasoline, Petroleum Products -- Finance, Ways and Means Committee.

House Bill No. 2262 -- Election Laws -- State and Local Government Committee.

House Bill No. 2263 -- Apportionment, Legislative -- State and Local Government Committee.

House Bill No. 2264 -- Districting, Congressional -- State and Local Government Committee.

House Bill No. 2265 -- Districting, Congressional -- State and Local Government Committee.

House Bill No. 2266 -- Apportionment, Legislative -- State and Local Government Committee.

House Bill No. 2267 -- Apportionment, Legislative -- State and Local Government Committee.

House Bill No. 2268 -- Apportionment, Legislative -- State and Local Government Committee.

House Bill No. 2269 -- Courts -- Judiciary Committee.

House Bill No. 2270 -- Courts, Chancery -- Judiciary Committee.

House Bill No. 2271 -- Judicial Officers -- Judiciary Committee.

House Bill No. 2272 -- Courts, Supreme Court of Tennessee -- Judiciary Committee.

House Bill No. 2273 -- Salaries and Benefits -- Judiciary Committee.

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House Bill No. 2274 -- Courts, Supreme Court of Tennessee -- Judiciary Committee.

***House Bill No. 2275 -- Custody and Support -- Judiciary Committee.**

House Bill No. 2276 -- Criminal Offenses -- Judiciary Committee.

House Bill No. 2277 -- Hazardous Materials -- Conservation and Environment Committee.

***House Bill No. 2278 -- Highway Signs -- Transportation Committee.**

House Bill No. 2279 -- Crossville -- Held on Clerk's desk pending approval by local delegation.

***House Bill No. 2280 -- Custody and Support -- Judiciary Committee.**

***House Bill No. 2281 -- Public Officials -- State and Local Government Committee.**

House Bill No. 2282 -- Race Relations -- Judiciary Committee.

House Bill No. 2283 -- Holidays -- State and Local Government Committee.

House Bill No. 2284 -- Race Relations -- Commerce Committee.

House Bill No. 2285 -- Human Rights -- State and Local Government Committee.

House Bill No. 2286 -- Firearms and Ammunition -- Judiciary Committee.

House Bill No. 2287 -- Education -- Judiciary Committee.

House Bill No. 2288 -- TennCare -- Commerce Committee.

House Bill No. 2289 -- Managed Care Organizations -- Commerce Committee.

***House Bill No. 2290 -- Children -- State and Local Government Committee.**

House Bill No. 2291 -- Administrative Procedure -- Government Operations Committee.

CONSENT CALENDAR

House Resolution No. 0117 -- Memorials, Retirement -- Ralph Edward Barnwell.

House Resolution No. 0118 -- Memorials, Recognition and Thanks

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-- Bishop Knox, Principal, Wingfield High School, Jackson, Mississippi.

House Joint Resolution No. 0403 -- Memorials, Recognition and Thanks -- Audobon String Quartet and Cyrus Feldman Trust.

House Joint Resolution No. 0405 -- Memorials, Professional Achievement -- Eastman Chemical Company, Malcolm Baldrige National Quality Award.

Senate Joint Resolution No. 0272 -- Memorials, Sports -- Lincoln County High School football team.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Joint Resolution No. 405: by Rep. Venable.

Under the rules, House Joint Resolution No. 405 was/were placed at the foot of the calendar for Wednesday, February 2, 1994.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

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REGULAR CALENDAR

House Bill No. 1279 -- Education -- Gives greater access to educational services for visually impaired elementary and secondary school students through individualized education programs. Same as *SB 1307. Amends TCA, Title 49, Ch. 10.

On motion, House Bill No. 1279 was made to conform with **Senate Bill No. 1291**; the Senate Bill was substituted for the House Bill.

Rep. Dixon moved that **Senate Bill No. 1291** be passed on third and final consideration.

Rep. Davidson moved that Education Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Davidson moved adoption of Education Committee Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 1291 by changing the date "July 1, 1993" in Section 3, as amended, and substituting the date "July 1, 1994".

On motion, Amendment No. 2 was adopted.

Rep. Dixon moved that **Senate Bill No. 1291**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	99
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

House Bill No. 1368 -- Board of Regents -- Renames "Memphis

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State University" as "University of Memphis"; renames "State Technical Institute at Memphis" as "State Technical College at Memphis". Amends TCA, Titles 11, 49, 68.

On motion, House Bill No. 1368 was made to conform with **Senate Bill No. 1481**; the Senate Bill was substituted for the House Bill.

Rep. R. Jones moved that **Senate Bill No. 1481** be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. by deleting Sections 1, 2, 3, 4, 5, and 6 in their entirety and substituting instead the following new sections:

SECTION 1. After the effective date of this act, Memphis State University shall be known and officially designated as "The University of Memphis"

SECTION 2. Tennessee Code Annotated, Sections 11-6-103, 49-7-203, 49-7-206, 49-8-101, 49-8-107, 49-8-601, 49-8-602, 49-8-603, and 68-214-101, are amended by deleting the words "Memphis State University" wherever they appear and by substituting instead the words "The University of Memphis".

Wherever appropriate, the Tennessee Code Commission is directed to change the words "Memphis State University" to the words "The University of Memphis" wherever such words appear.

SECTION 3. This act shall take effect on July 1, 1994, the public welfare requiring it.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 to Amendment No. 1 as follows:

Amendment No. 1 to Amendment No. 1

Senate Bill No. 1481 by adding the following new section, to be appropriately designated:

SECTION _____. Expenditure of state funds incurred in implementing the change of name from "Memphis State University" to the "University of Memphis" shall not exceed fifty thousand dollars (\$50,000). Any costs in excess of this amount shall be raised by the university from non-public funds.

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On motion, Amendment No. 1 to Amendment No. 1 was adopted.

On motion, Amendment No. 1, as amended was adopted.

Rep. R. Jones moved that **Senate Bill No. 1481**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	2

Representatives voting aye were: Allen, Anderson, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

Representatives voting no were: Armstrong, Arriola -- 2.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Reps. Purcell and Phillips, **House Bill No. 689** was recalled from the Calendar and Rules Committee and withdrawn from the House.

On motion of Rep. Purcell, **House Bill No. 670** was recalled from the Finance, Ways and Means Committee and withdrawn from the House.

RULES SUSPENDED

Rep. Purcell moved to suspend the rule, so that all bills filed by the close of business Wednesday, February 2, 1994, would be considered properly introduced on the tenth legislative day for purposes of bill cut off, which motion prevailed.

RECOGNITION

Rep. Rigsby requested to be recognized in the well for the

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purpose of introducing NASA Astronaut Dr. Story Musgrave. The Speaker recognized Dr. Musgrave for remarks.

UNFINISHED BUSINESS, CONTINUED

BILLS WITHDRAWN

On motion of Rep. Stamps, **House Joint Resolution No. 404** was recalled from the Agriculture Committee withdrawn from the House.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 397: Rep(s). Peroulas Draper as prime sponsor(s).

House Bill No. 1085: Rep(s). Byrd as prime sponsor(s).

House Bill No. 1368: Rep(s). McDaniel as prime sponsor(s).

House Bill No. 1703: Rep(s). Peroulas Draper as prime sponsor(s).

House Bill No. 1704: Rep(s). Arriola, Cole (Dyer), Ferguson, Haun, Hillis, Ramsey, Rigsby, Rinks, Venable, Walley, Westmoreland and Williams (Union) as prime sponsor(s).

House Bill No. 1711: Rep(s). Peroulas Draper as prime sponsor(s).

House Bill No. 1717: Rep(s). Peroulas Draper as prime sponsor(s).

House Bill No. 1856: Rep(s). Walley as prime sponsor(s).

House Bill No. 1886: Rep(s). Owenby and Peroulas Draper as prime sponsor(s).

House Bill No. 2032: Rep(s). Arriola as prime sponsor(s).

House Bill No. 2033: Rep(s). Peroulas Draper as prime sponsor(s).

House Bill No. 2036: Rep(s). Peroulas Draper as prime sponsor(s).

House Bill No. 2124: Rep(s). Arriola, Garrett, Halteman Harwell, Odom, Robinson, and West as prime sponsor(s).

House Bill No. 2188: Rep(s). Odom as prime sponsor(s).

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House Bill No. 2289: Rep(s). Halteman Harwell and Peroulas Draper as prime sponsor(s).

**MESSAGE FROM SENATE
January 31, 1994**

MR. SPEAKER: I am directed to request the return of House Bill No. 1705, for further consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE BILL RETURNED

The Clerk was directed to return to the Senate House Bill No. 1705, as requested.

**MESSAGE FROM THE SENATE
January 31, 1994**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 293; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 0293 -- Memorials, Retirement -- Mrs. Polly S. Solomon. by *Greer.

**MESSAGE FROM THE SENATE
January 31, 1994**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 400; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS
January 31, 1994**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 403.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
January 31, 1994**

MR. SPEAKER: I am directed to transmit to the House, Senate

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Joint Resolution(s) No(s). 295 and 296; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 0295 -- Memorials, Public Service --
Donald Yates. by *Patten.

Senate Joint Resolution No. 0296 -- Memorials, Professional Achievement -- Johnson City Police Department, Accreditation by Commission on Accreditation for Law Enforcement Agencies. by *Crowe, *Greer, *Holcomb.

MESSAGE FROM THE SENATE
January 31, 1994

MR. SPEAKER: I am directed to return to the House, House Bill No. 1705.

The Senate lifted the tabling motion, reconsidered passage of the bill, adopted Amendment No. 1, and repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, Jr., Chief Clerk.

MESSAGE FROM THE SENATE
January 31, 1994

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 289; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
January 31, 1994

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 121; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
January 31, 1994

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 266, 267, 269, 271 and 273; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

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MESSAGE FROM THE SENATE
January 31, 1994

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 367, 369, 370, 372 and 397; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

CONSENT CALENDAR
January 31, 1994

The following local bill(s) has/have been placed on the Consent Calendar for Monday, February 7, 1994: House Bill(s) No(s). 2125.

ROLL CALL

The roll call was taken with the following results:

Present 99

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

On motion of Rep. Purcell, the House recessed until 2:00 p.m., Wednesday, February 2, 1994.